UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,095	01/26/2001	David Konetski	16356.578 (DC-02701)	7695

27683 7590 11/05/2004	EXAMINER
HAYNES AND BOONE, LLP	DALENCOURT, YVES

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DALLAS, TX 75202

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<table>
<tr>
<td rowspan="2">Office Action Summary</td>
<td>Application No.
09/771,095</td>
<td>Applicant(s)
KONETSKI ET AL.</td>
</tr>
<tr>
<td>Examiner
Yves Dalencourt</td>
<td>Art Unit
2157</td>
</tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 August 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-10,12-24 and 26</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-10,12-24 and 26</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This office action is responsive to communication filed on 08/29/04.

Response to Amendment

The examiner has acknowledged the amended claims 1 and 15, and the

cancellation of claims 11 and 25.

Response to Arguments

Applicant's arguments with respect to claims 1 – 10, 12 – 24, and 26 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of
making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 and 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention.

Regarding claims 1 and 15, the limitation of " temporarily storing the digital media

content in the memory **for various lengths of time** " (claims 1 and 15, lines 4 and 5) is

not described in the specification. It has not been disclosed how the digital media

content is stored temporarily in the memory **for various lengths of time.** Therefore,

one skilled in the art would not know how to make and/or use the invention.

Claims 2 – 10, 12 – 14, 16 – 24, and 26 are necessarily rejected as being

dependent upon the rejection of claims 1 and 15.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 - 6 and 14 - 20 are rejected under 35 U.S.C. 102(e) as being anticipated by

Bonomi et al (US 6,769,127;hereinafter Bonomi).

Regarding claims 1, 12, Bonomi teaches a system (fig. 1A) comprising a

computer system including a processor and a memory (100, fig. 1A; col. 6, lines 52 –

57; col. 7, lines 10 - 26) for retrieving digital media content (col. 9, lines 35 - 38);

temporarily storing the digital media content in the memory for various lengths of time

(col. 7, lines 44 – 62; col. 9, lines 5 – 35 and 38 – 40; Bonomi discloses that to efficiently

use the media storage 220, the recording space 230 is storing such programs for a

limited time); buffering the digital media content (col. 9, lines 15 – 18 and 50 – 57;

Bonomi discloses that the cache area 222 provides a mechanism to buffer the received

live video broadcasts); and providing the digital media content as needed via a user

interface to a thin media client using a first network (162 and 164; fig.1B; paragraph

bridging col. 9, line 57 through col. 10, line 3 and figs. 15A-15F; col. 32, lines 55 - 67).

Regarding claims 2 and 3, Bonomi teaches a system, wherein the thin media

client comprises an audio client; and wherein the digital media content comprises an

audio file (col. 7, lines 33 - 62).

Regarding claim 4, Bonomi teaches a system, wherein the digital media content

comprises realtime audio information (col. 8, lines 35 - 54).

Regarding claims 5 and 6, Bonomi teaches a system, wherein the thin media

client comprises a video client, and wherein the digital media content comprises video

information; and wherein the thin media client comprises an image client, and wherein

the digital media content comprises image information (fig. 1B; col. 1, lines 30 – 36; col.

5, lines 32 – 40; col. 7, lines 33 – 50).

Regarding claim 7, Bonomi teaches a system, wherein the computer system is

for transcoding the digital media content prior to providing the digital media content to

the thin media client (305, fig. 3A; col. 6, lines 45 – 57; col. 11, lines 26 - 50).

Regarding claim 8, Bonomi teaches a system, wherein the computer system is

for performing a rights management task associated with the digital media content prior

to providing the digital media content to the thin media client (col. 15, lines 19 - 54).

Regarding claim 9, Bonomi teaches a system, wherein the computer system is

for performing a decompression function on the digital media content prior to providing

the digital media content to the thin media client (paragraph bridging col. 12, line 59

through col. 13, line14).

Regarding claim 10, Bonomi teaches a system, wherein the computer system is

for performing a decryption function on the digital media content prior to providing the

digital media content to the thin media client (col. 14, lines 53 – 62; paragraph bridging

col. 14, line 63 through col. 15, line 7).

Regarding claim 13, Bonomi teaches a system, wherein the computer system is

for retrieving the digital media content using a second network (col. 7, lines 10 – 32;

Bonomi discloses that the network 108 can be part of a larger network including the

Internet, the public switch telephone network (PSTN) or a private telephone network

and so on).

Regarding claims 15 and 26, Bonomi teaches a method (fig. 1A) comprising a

computer system including a processor and a memory (100, fig. 1A; col. 6, lines 52 –

57; col. 7, lines 10 - 26) for retrieving digital media content (col. 9, lines 35 - 38);

temporarily storing the digital media content in the memory for various lengths of time

(col. 7, lines 44 – 62; col. 9, lines 5 – 35 and 38 – 40; Bonomi discloses that to efficiently

use the media storage 220, the recording space 230 is storing such programs for a

limited time); buffering the digital media content (col. 9, lines 15 – 18 and 50 – 57;

Bonomi discloses that the cache area 222 provides a mechanism to buffer the received

live video broadcasts); and providing the digital media content as needed via a user

interface to a thin media client using a first network (162 and 164; fig.1B; paragraph

bridging col. 9, line 57 through col. 10, line 3 and figs. 15A-15F; col. 32, lines 55 - 67).

Regarding claims 16 and 17, Bonomi teaches a method, wherein the thin media client comprises an audio client; and wherein the digital media content comprises an audio file (col. 7, lines 33 - 62).

Regarding claim 18, Bonomi teaches a method, wherein the digital media content comprises realtime audio information (col. 8, lines 35 - 54).

Regarding claims 19 and 20, Bonomi teaches a method, wherein the thin media client comprises a video client, and wherein the digital media content comprises video information; and wherein the thin media client comprises an image client, and wherein the digital media content comprises image information (fig. 1B; col. 1, lines 30 – 36; col. 5, lines 32 – 40; col. 7, lines 33 – 50).

Regarding claim 21, Bonomi teaches a method, which further comprises the step of transcoding the digital media content prior to providing the digital media content to the thin media client (305, fig. 3A; col. 6, lines 45 – 57; col. 11, lines 26 - 50).

Regarding claim 22, Bonomi teaches a method, which further comprises the step of performing a rights management task associated with the digital media content prior to providing the digital media content to the thin media client (col. 15, lines 19 - 54).

Regarding claim 23, Bonomi teaches a method, which further comprises the step of performing a decompression function on the digital media content prior to providing the digital media content to the thin media client (paragraph bridging col. 12, line 59 through col. 13, line14).

Regarding claim 24, Bonomi teaches a method, which further comprises the step of performing a decryption function on the digital media content prior to providing the

digital media content to the thin media client (col. 14, lines 53 – 62; paragraph bridging

col. 14, line 63 through col. 15, line 7).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

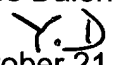than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Yves Dalencourt whose telephone number is (571) 272-

3998. The examiner can normally be reached on M-TH 7:30AM - 6: 30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Yves Dalencourt

October 21, 2004

SALEH NAJJAR
PRIMARY EXAMINER